IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13426 of 2005

Between:

M/s. Prasad & Company(Project Works) Limited, (a Company Registered under provisions of the Companies Act, 1956) having its Registered Office at 6-3-871, Greenlands Road, Begumpet, Hyderabad, Rep by its Executive Director Sri N. Krishnam Raju.

...PETITIONER

AND

1. The Municipal Corporation of Hyderabad, Lower Tank Bund, Hyderabad, rep.by its Commissioner.
2. The Assistant City Planner, Circle-V, Municipal Corporation of Hyderabad, Lower Tank Bund, Hyderabad.
3. The SpecialDeputy Collector (LA), Municipal Corporation of Hyderabad, Lower Tank Bund, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in seeking to lay road through the petitioner's premises bearing No.6-3-871, Greenlands Road, Begumpet, Hyderabad as illegal, arbitrary and in violation of principles of natural justice and consequently restrain the respondents from interfering with the peaceful possession and enjoyment of the petitioner's property.

Counsel for the Petitioner: MR.SRINIVAS DAMMALAPATI
Counsel for the Respondents: SMT.G.JYOTHI KIRAN

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13426 of 2005

ORDER:

This Writ Petition is filed by the petitioner-Company, represented by its Executive Director, seeking a declaration of the action of the respondents in seeking to lay road through the petitioner's premises by demolishing the commercial establishment bearing No.6-3-871 to 6-3-879, Greenlands Road, Begumpet, Hyderabad, admeasuring an extent of 4918 square yards, as illegal and arbitrary.

The grievance of the petitioner is that the property mentioned above was purchased through registered sale deed No.1702/86 dated 14.08.1986 and established its business. On 17.06.2005, the

respondent-officials went to the above said premises and made markings for the purpose of road widening to an extent of 750.36 square yards. They informed that at any moment the Corporation people would come and demolish the building. But the respondent-officials did not seek the petitioner's consent with regard to compensation as contemplated under Sections 146 and 147 of the Hyderabad Municipal Corporation Act ('the Act' for brevity).

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is disposed of with a direction to the respondents to follow the procedure as contemplated under Sections 146 and 147 of the Act before demolishing the structures of the petitioner. No costs.

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(ELIPE DHARMA RAO, J)

23rd June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner, Municipal Corporation of Hyderabad, Lower Tank Bund, Hyderabad.
2. The Assistant City Planner, Circle-V, Municipal Corporation of Hyderabad, Lower Tank Bund, Hyderabad.
3. The SpecialDeputy Collector (LA), Municipal Corporation of Hyderabad, Lower Tank Bund, Hyderabad.
4. Two CD copies.